

105 CMR 130.020 Definitions is amended by adding the following new definitions:

Campus One of several premises on the license of a hospital that provides an essential health service.

Essential health service means a campus, or any of the services enumerated in the definition of service in 105 CMR 130.020 other than the following:

- skilled nursing facility service
- intermediate care facility service
- cardiac catheterization service
- Hematopoietic Progenitor/Stem Cell Collection, Processing, and Transplant Service
- Hematopoietic Progenitor/Stem Cell Transplantation Program or Clinical Transplantation Program.

105 CMR 130.122 is amended as follows:

(C) Nothing in 105 CMR 130.122 shall be construed to authorize a licensee to discontinue any service, as defined in 105 CMR 130.020 to the public entirely or in substantial part except upon notice to the Department as described in 105 CMR 130.122. ~~Except in extraordinary circumstances, as determined by the Commissioner or his or her designee, notice to the Department shall be given at least ninety (90) days in advance of the planned discontinuance of the service. and, in the case of a hospital applying for assistance from the acute care hospital conversion board, pursuant to St. 1988 c23, § 20, such notice shall be given to the Department at the same time such notice is given to the board~~

(D) In the event that the Department finds that a hospital proposes to discontinue an essential health service, discontinue an essential health service at a campus, or discontinue services entirely at a campus, the Department shall publish a notice of a public hearing in the legal notice section of local newspapers serving residents of the hospital's service area at least 21 days prior to the date of the hearing. The notice shall set forth the name and address of the hospital, briefly describe the proposed modifications in existing services, and indicate the date, time and location of the hearing. The hearing shall take place in the hospital's service area no later than forty-five (45) days prior to the proposed discontinuance date set out in the hospital's notice submitted pursuant to 105 CMR 130.122 (C). At the public hearing, the hospital shall describe the services to be closed, plans for alternate access to the service, and shall afford the

opportunity for interested parties to present their comments on the hospital's proposal.

(E) The Department shall make a determination as to whether the discontinued service is necessary for preserving access and health status in the hospital's service area. In making its determination, the Department shall consider the evidence presented at the Public Hearing, the current utilization of the service, the capacity of alternative delivery sites to provide the service, travel times to alternative service delivery sites, the clinical importance of local access to the service, and any other relevant information available to the Department.

(F) If the Department finds that the discontinued service is necessary for preserving access and health status in the hospital's service area, the hospital shall, within 15 business days of such finding, submit a plan for assuring access to such necessary service(s) following the hospital's closure of the service(s). The plan must include the following elements:

- (1) Information on utilization of the service prior to proposed closure
- (2) Information on the location and service capacity of alternative delivery sites.
- (3) Travel times to alternative service delivery sites.
- (4) An assessment of transportation needs post discontinuance and a plan for meeting those needs.
- (5) A protocol that details mechanisms to maintain continuity of care for current patients of the discontinued service
- (6) A protocol that describes how patients in the hospital's service area will access the services at alternative delivery sites.